

ONEIDA COUNTY BOARD OF ADJUSTMENT – PUBLIC HEARING
AUGUST 17, 2017
1:00 pm

Chairman Harland Lee called the meeting to order at 1:00 P.M. in accordance with the Wisconsin Open Meeting Law.

Roll call of Board members present: Harland Lee, “here”; Norris Ross, “here”; John Bloom, “here”; Ed Hammer, (Late) “here”; and Phil Albert, “here”.

Members absent: Guy Hansen

County staff members present: Karl Jennrich, Zoning Director and Julie Petraitis, Program Assistant

Other individuals present: See Sign in Sheet.

Chairman Harland Lee stated that the meeting will be held in accordance with Wisconsin open meeting law and will be tape-recorded and sworn testimony will be transcribed. The Board of Adjustment asks that only one person speak at a time because of the difficulty in transcribing when several people are talking at once. The Board of Adjustment is made up of five regular members and two alternates, one alternate being present today, who will take part in the hearing and in the deliberation. Anyone wishing to testify must identify themselves by name, address, and interest in the appeal and shall be placed under oath.

Chairman Harland Lee stated that the Board will hear testimony from the appellant/agent first and then the opposition. Following that, the appellant and opposition will have an opportunity for rebuttal and then closing statements. The public hearing will then be closed from further testimony. Consideration and additional questions can be asked by the Board members of the appellant or the opposition during deliberations. You may stay for the disposition of the appeal. Upon conclusion of the deliberation of the Board, the Chair will call for a motion and a second, and a roll call vote will be taken for the decision of the Board.

Chairman Harland Lee swore in Karl Jennrich and Chris Zahorik.

Secretary Phil Albert read the notice of public hearing for Appeal No.17-002, of Kenneth Zahorik to appeal the denial to build a garage only one (1) foot from the right-of-way of

Hillcrest Road. These activities are contrary to the Oneida County Zoning and Shoreland Protection Ordinance, as amended July 15, 2016. The property is located at 1764 Hillcrest Road further described as part NW NE, Section 30, T36N, R11E, PIN MO 752-9, Town of Monico, Oneida County, Wisconsin.

The Notice of Public Hearing was published in the Northwoods River News on August 3 and August 10, 2017. Mr. Albert provided the proof of publication; and noted that the media was properly notified.

The Oneida County Board of Adjustment Rules of Procedure, Section 178.05(12), Chapter 17, Oneida County Code of Ordinance, provide that a timely appeal shall stay all proceedings and furtherance of the action appealed from, unless such stay would cause imminent peril to life or property.

The Board of Adjustment will conduct an onsite inspection of the property involved in this appeal beginning at approximately 10:00 am prior to the hearing. Pertinent property boundaries and locations of existing and proposed structures shall be clearly identified. A representative or the appellant must be present. The inspection shall be open to the public.

Copies of appeals and related documents are available for public inspection during normal business hours at the Planning and Zoning Office, Oneida County Courthouse, Rhinelander, WI 54501. The Oneida County Zoning and Shoreland Protection Ordinance is available on the Internet at <http://www.co.oneida.wi.gov/>.

Secretary Albert stated that all media outlets were notified of the public hearing and the onsite inspection was conducted at approximately 9:55 am to 10:10 am on August 16, 2017. Chris Zahorik, owner, and Kevin Halverson, Town of Monico, were present at the site along with all Board members, one alternate and Karl Jennrich, Zoning Director.

Prior to the public hearing the Board conducted an onsite inspection at 1764 Hillcrest Road further described as part NW NE, Section 30, T36N, R11E, PIN MO 752-9, Town of Monico, Oneida County, Wisconsin. Observations by the Board: The property boundaries were found and adequately marked; the highway/road right-of-way were marked with wooden stakes; the well and sanitary facilities were located in rear of yard down toward the Lake. The proposed construction was adequately marked with wood stakes and tape. The topography of the land is flat to the back of home that falls off gradually to the lakeshore. No erosion was noted.

Chris Zahorik, owner, testified that they would like to build a two-stall garage to protect their vehicles from the weather and turkeys. The location is one-foot from the right-of-way of Hillcrest Road. They feel this is the only place they have on the property that

won't interfere with anything else on the property. They do have a one-stall garage now.

Karl Jennrich, Zoning Director, testified that the County has established a twenty-foot right-of-way setback to any State, Federal or Town road. The reason is to keep structures set off the traveled portion and/or serviced portion of a road.

The Board discussed alternate possibilities for the location of the garage and determined the proposed location is, in fact, the most logical place for the garage.

The Zoning Director informed the Board that Monico does not want General Zoning in the Shoreland Zone district. Therefore, Monico may have no zoning with the new Ordinance.

Motion by John Bloom to approve appeal #17-002 of Ken Zahorik, as it meets the criteria. There was no second to the motion. Mr. Bloom rescinded his motion.

Motion by Ed Hammer, second by John Bloom to approve the appeal and order the Department to issue the permit. Roll call vote: Mr. Albert, "aye"; Mr. Bloom, "aye"; Mr. Ross, "aye"; Mr. Hammer, "aye"; and Mr. Lee, "aye". The motion carried.

Motion by Phil Albert to have the decision finalized by August 23, 2017. With all members voting "aye", the motion carried.

1:50 pm - The meeting was adjourned on a motion by Ed Hammer and all members voting aye.

Harland Lee, Chairman

Phil Albert, Secretary